

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
ERIE DIVISION

SHEILA WEBSTER,	)	
	)	
Plaintiffs,	)	Case No.: 1:05MC2025
	)	St. Louis County Cause No. 12SL-CC02594
v.	)	
	)	
GEORGE MAIR, ACE AMERICAN	)	
INSURANCE COMPANY,	)	
and ALAMO FINANCING, L.P.,	)	
	)	
Defendants.	)	

**PETITION FOR ISSUANCE OF SUBPOENA AND TO PERPETUATE TESTIMONY**

COME NOW Defendants-Petitioners ACE American Insurance Company and Alamo Financing, LP ("Petitioners"), by and through their undersigned counsel of record, Brown & James, P.C., and petition this Court for the issuance of a subpoena compelling separate Defendant George Mair to appear and give testimony, as well as produce documents.

In support of this Petition, Petitioners state as follows:

1. There is currently pending in Division 12 of the Circuit Court of St. Louis County, State of Missouri, civil litigation styled *Sheila Webster v. George Mair, ACE American Insurance Company and Alamo Financing, LP*, Cause No. 12SL-CC02594.

2. Petitioners believe that discovery of certain matters involving separate Defendant George Mair is necessary for this litigation.

3. Mr. Mair is currently incarcerated at the McKean Federal Correctional Institution at 6975 Route 59, Lewis Run, Pennsylvania 16738 (P.O. Box 8000, Bradford, Pennsylvania 16701). He is incarcerated under Inmate No. 35486-044. His inmate number should be referenced on all correspondence, subpoenas, orders, etc.

4. Petitioners seek a Court Order for issuance of a subpoena to Mr. Mair while incarcerated at McKean Federal Correctional Institution to perpetuate testimony and preserve the record in the civil matter currently pending in St. Louis County, Missouri.

5. The proposed deposition shall take place at McKean Federal Correctional Institution on Thursday, May 23, 2013, at 9:00 a.m., or as soon thereafter as possible.

6. Petitioners request that this Court issue a subpoena compelling Mr. Mair to appear and give testimony at the above date, place, and time, as well as produce documents responsive to the requests outlined in the attachment to the subpoena. Petitioners file in conjunction with this Petition a Petition for Writ of *Habeas Corpus Ad Testificandum* to require the Superintendent of McKean Federal Correctional Institute to produce George Mair for deposition at that facility on May 23, 2013, at 9:00 a.m.

7. In further support of this Petition, Petitioners attach hereto the following items:

(a) A true and accurate copy of the Notice of Deposition of George Mair, as filed in the Circuit Court of St. Louis County, Missouri, attached hereto as Exhibit A;

(b) An attachment to the subpoena to be issued to George Mair by this Court, attached hereto as Exhibit B; and

(c) A proposed Order for consideration by this Court, attached hereto as Exhibit C.

WHEREFORE, Defendants-Petitioners ACE American Insurance Company and Alamo Financing, LP, respectfully request that this Court enter an Order for issuance of a subpoena and to perpetuate the testimony of separate Defendant George Mair.

Respectfully submitted,

BROWN & JAMES, P.C.

/s/Russell F. Watters

Russell F. Watters, #25758  
800 Market Street, Suite 1100  
St. Louis, Missouri 63101-2501  
(314) 421-3400  
Fax (314) 421-3128 – FAX  
Email: [rwatters@bjpc.com](mailto:rwatters@bjpc.com)  
*Attorneys for Defendants*

**CERTIFICATE OF MAILING**

The undersigned certifies that a copy of the foregoing was mailed, postage pre-paid, via U.S. mail, this 29<sup>th</sup> day of April, 2013, to:

Timothy J. Gallagher  
Matthew R. Davis  
Heller, Gallagher & Finley, L.L.P.  
1670 South Hanley Road  
St. Louis, MO 63144  
*Attorney for Plaintiff*

George Mair  
Inmate No. 35486-044  
FCI McKean Federal Correctional Institution  
P.O. Box 8000  
Bradford, PA 16701  
*Co-Defendant*

/s/Russell F. Watters

11139081